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Mail Stop Amendment, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450  
on August 7, 2006.

Jay M. Sanders, Patent Attorney

ELECTION UNDER  
35 USC §121  
Examining Group 1653  
Patent Application  
Docket No. MA-43CDF2D4  
Serial No. 10/825,751

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Robert A. Wax  
Art Unit : 1653  
Applicant(s) : Jewel Payne, August J. Sick  
Serial No. : 10/825,751  
Conf. No. : 8529  
Filed : April 16, 2004  
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests, and Genes Encoding Novel Lepidopteran-Active Toxins

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT AND  
ELECTION UNDER 35 USC §121

Sir:

In response to the Restriction Requirement dated July 6, 2006, election is hereby made as discussed below in the Remarks section. Please amend the specification as follows: